ment in the grantor's land, but a corporeal estate in the walls containing the coal and the space occupied by it after its removal, which he can use for any purpose. *Lillibridge* v. *Lackawanna Coal Co.*, 143 Pa. St. 293, 22 Atl. 1035; *Schobert* v. *Pittsburg Coal Min. Co.*, 254 Ill. 474, 98 N. E. 945. *Proud* v. *Bates*, 34 L. J. (Ch.) 406. See 3 LINDLEY, MINES, 3 ed., § 813a. But see *Ramsay* v. *Blair*, 1 A. C. 701. Obviously this property in the walls and space does not continue forever. See *Webber* v. *Vogel*, 189 Pa. St. 156, 42 Atl. 4. Ordinarily a purchaser of realty to be severed from the soil is not considered as owner of the space occupied by that realty after its removal. Nor does a corporeal estate in the containing walls seem either a necessary or a reasonable incident to the purchase of coal. It seems, therefore, that the court in the present case rightly repudiated the doctrine of these cases, and adopted a rule more in conformity with legal principles.

NEW TRIAL — SUCCESSIVE VERDICTS — SETTING ASIDE SECOND VERDICT FOR THE SAME PARTY AS AGAINST THE WEIGHT OF EVIDENCE. — A verdict for the plaintiff was set aside as against the weight of evidence and a new trial granted. At the second trial a verdict was again rendered for the plaintiff and the defendant again moved for a new trial on the same ground. *Held*, that the motion be denied. *Gutman* v. *Weisbarth*, 185 N. Y. Supp. 261.

It is well settled that when a verdict is manifestly against the weight of evidence, it will be set aside and a new trial granted. *Wood* v. *Gunston*, Style, 466; *Jones* v. *Spencer*, 77 L. T. R. 536; *Carney* v. *Stringfellow*, 73 Fla. 700, 74 So. 866. See THAYER, PRELIM. TREAT. 208. To justify a new trial it is not sufficient that the court merely disagree with the verdict, it being necessary for the verdict to be so much against the weight of evidence as to be unreasonable. *Klock Produce Co.* v. *Diamond Ice & Storage Co.*, 98 Wash. 676, 168 Pac. 476. In the absence of statute there is apparently no limit to the number of times successive verdicts may be set aside as being against the weight of evidence. *Gnecco* v. *Pedersen*, 151 N. Y. Supp. 105; *Barrett* v. *Lewiston, etc. R. R.*, 113 Me. 562, 92 Atl. 934; *Gross Coal Co.* v. *Milwaukee*, 170 Wis. 467, 175 N. W. 793. But the fact that two or more juries agree on a verdict is naturally strong evidence that the verdict is reasonable. For this reason, and in order to prevent litigation from being unduly prolonged, courts are reluctant to consider a second verdict for the same party as sufficiently against the weight of evidence to justify another submission to a jury. See *Miller* v. *Central of Ga. R. R.*, 16 Ga. App. 855, 87 S. E. 303; *Ilsley* v. *Kelley*, 117 Me. 572, 104 Atl. 631. And many states have provided by statute that a party can have but one new trial on the ground that the verdict is against the weight of evidence. See *Van Loon* v. *St. Joseph R. R. & Power Co.* 271 Mo. 209, 195 S. W. 737.

PARDON — NECESSITY OF DELIVERY — EFFECT OF HONEST MISREPRESENTATION. — The warden of the prison in which the petitioner was confined notified the governor through mistake that the petitioner's term would expire on November 25, 1920. In fact the term expires in April, 1921. According to his custom of pardoning worthy convicts a month before the expiration of their sentences, the governor in September, 1920, mailed to the warden a pardon for the petitioner, "to take effect on the 25th day of October, 1920." The governor, hearing of his mistake, revoked the pardon before October 25. The petitioner applies for a writ of *habeas corpus*. *Held*, that the writ be denied. *Ex parte Ray*, 193 Pac. 635 (Okla.).

A pardon is a deed, and delivery is requisite to its operation. See *United States* v. *Wilson*, 7 Pet. (U. S.) 150, 160. When possession is relinquished, whether or not there is a delivery depends on the grantor's intent. So in the principal case there may have been a present constructive delivery to the